

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward L. Gibbs )  
Serial No.: Not yet assigned )  
Filed: January 26, 2004 )  
For: CABLE FENCE SYSTEM )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure prescribed by 37 C.F.R. § 1.56, the Applicant discloses the following list of patents and publications, copies of which are transmitted herewith:

U.S. Patents

U.S. Patent No. 5,136,813, issued to Gibbs et al., issue date August 11, 1992.

U.S. Patent No. 5,272,838, issued to Gibbs, issue date December 28, 1993.

U.S. Patent No. 5,345,723, issued to Gibbs, issue date September 13, 1994.

U.S. Patent No. 5,443,244, issued to Gibbs, issue date August 22, 1995.

U.S. Patent No. 5,971,365, issued to Pigott et al., issue date October 26, 1999.

U.S. Patent No. 6,065,738, issued to Pearce et al., issue date May 23, 2000.

U.S. Patent No. 6,151,772, issued to Pigott et al., issue date November 28, 2000.

U.S. Patent No. 6,176,043, issued to Gibbs, issue date January 23, 2001.

U.S. Patent No. 6,254,064, issued to Gibbs, issue date July 3, 2001.

U.S. Patent No. D465,856, issued to Givens et al, issue date November 19, 2002.

U.S. Patent No. D466,620, issued to Givens et al, issue date December 3, 2002.

U.S. Patent No. D467,669, issued to Givens et al, issue date December 24, 2002.

U.S. Patent No. D468,028, issued to Givens et al, issue date December 31, 2002.

#### Foreign Patent Documents

PCT Patent Publication WO 95/33113, applicant Hadley Industries PLC, publication date December 7, 1995.

PCT Patent Publication WO 02/70838, applicant Hadley Industries PLC, publication date September 12, 2002.

United Kingdom Patent Application 2,249,327, applicant Hadley Industries PLC, publication date May 6, 1992.

United Kingdom Patent Application 2,350,846, applicant Hadley Industries PLC, publication date December 13, 2000.

United Kingdom Patent Application 2,363,400, applicant Hadley Industries PLC, publication date December 19, 2001.

United Kingdom Patent Application 2,372,758, applicant Hadley Industries PLC, publication date September 4, 2002.

United Kingdom Patent Application 2,372,759, applicant Hadley Industries PLC, publication date September 4, 2002.

#### Publications

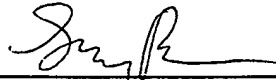
Catalog, Ameristar Fence Products, Inc., "Aegis Ornamental Steel Residential Fencing," all pages, published in the United States no later than April, 2001.

Catalog, Ameristar Fence Products, Inc., "Aegis II Industrial & Aegis Plus Commercial Ornamental Steel Fence and TransPort Ornamental Gates," all pages, published in the United States in August, 2000.

#### Prior Public Uses and Sales

Fences, and fence components, which have been in public use in the United States, and on sale in the United States, since at least November 1, 2001, are shown in the Ameristar 2002 Price Catalog, excerpts from which are submitted herewith, with dealer prices excised. The submitted excerpts, in addition to the catalog cover, are pages 1-1 through 1-10 (Aegis Residential Ornamental Fencing), pages 3-1 through 3-19 (Aegis Plus Commercial Ornamental Fencing), pages 5-1 through 5-14 (Aegis II Industrial Ornamental Fencing), and pages 7-1 thorough 7-9 (Ameristar Aluminum Ornamental Fencing).

Respectfully submitted,



---

Gary Peterson, Reg. No. 28,891  
Pray, Walker, Jackman, Williamson & Marlar  
211 N. Robinson, Suite 1601  
Oklahoma City, Oklahoma 73102  
(405) 296-8911

Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet **1** of **3****Complete if Known**

|                        |                  |
|------------------------|------------------|
| Application Number     |                  |
| Filing Date            | January 26, 2004 |
| First Named Inventor   | Edward L. Gibbs  |
| Art Unit               |                  |
| Examiner Name          |                  |
| Attorney Docket Number |                  |

| U. S. PATENT DOCUMENTS |                       |  |                                |  |   |
|------------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials*     | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                        |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                        |                       | US- 5,136,813                            | 08-11-1992                     | Gibbs et al.                                       |   |
|                        |                       | US- 5,272,838                            | 12-18-1993                     | Gibbs  |   |
|                        |                       | US- 5,345,723                            | 09-13-1994                     | Gibbs  |   |
|                        |                       | US- 5,443,244                            | 08-22-1995                     | Gibbs  |   |
|                        |                       | US- 5,971,365                            | 10-26-1999                     | Pigott et al.                                      |   |
|                        |                       | US- 6,065,738                            | 05-23-2000                     | Pearce et al.                                      |   |
|                        |                       | US- 6,151,772                            | 11-28-2000                     | Pigott et al.                                      |   |
|                        |                       | US- 6,176,043 B1                         | 01-23-2001                     | Gibbs  |   |
|                        |                       | US- 6,254,064 B1                         | 07-03-2001                     | Gibbs  |   |
|                        |                       | US- D465,856 S                           | 11-19-2002                     | Givens et al.                                      |   |
|                        |                       | US- D466,620 S                           | 12-03-2002                     | Givens et al.                                      |   |
|                        |                       | US- D467,669 S                           | 12-24-2002                     | Givens et al.                                      |   |
|                        |                       | US- D467,028 S                           | 12-31-2002                     | Givens et al.                                      |   |
|                        |                       | US-                                      |                                |  |   |
|                        |                       | US-                                      |                                |  |   |
|                        |                       | US-                                      |                                |  |   |
|                        |                       | US-                                      |                                |  |   |
|                        |                       | US-                                      |                                |  |   |
|                        |                       | US-                                      |                                |  |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                                |  |   |                |
|--------------------------|-----------------------|---|--------------------------------|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |   |                |
|                          |                       | WO-95/33113   | 12-07-1995                     | Hadley Ind.  |   |                |
|                          |                       | WO-02/070838 A1   | 09-12-2002                     | Hadley Ind.  |   |                |
|                          |                       | GB-2,249,327 A  | 05-06-1992                     | Hadley Ind.  |   |                |
|                          |                       | GB-2,350,846 A  | 12-13-2000                     | Hadley Ind.  |   |                |
|                          |                       | GB-2,363,400 A  | 12-19-2001                     | Hadley Ind.  |   |                |
|                          |                       | GB-2,372,758 A  | 09-04-2002                     | Hadley Ind.  |   |                |

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 3

of

3

**Complete if Known**

Application Number

Filing Date

January 26, 2004

First Named Inventor

Edward L. Gibbs

Art Unit

Examiner Name

Attorney Docket Number

**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|-----------------------|--------------------------|---|----------------|
|                       |                          | Catalog, Ameristar Fence Products, Inc., "Aegis Ornamental Steel Residential Fencing," all pages, published in the United States no later than April, 2001.   |                |
|                       |                          | Catalog, Ameristar Fence Products, Inc., "Aegis II Industrial Aegis Plus Commercial Ornamental Steel Fence and TransPort namental Gates," all pages, published in the United States in August. 2000.  |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |
|                       |                          |   |                |

Examiner  
Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including: gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.